

House Amendment 8652

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1 1 Amend House File 2798 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <DIVISION I
1 5 GOVERNMENT ACCOUNTABILITY
1 6 Section 1. NEW SECTION. 8F.1 PURPOSE.
1 7 This chapter is intended to create mechanisms to
1 8 most effectively and efficiently monitor the
1 9 utilization of public moneys by providing the greatest
1 10 possible accountability for the expenditure of public
1 11 moneys.
1 12 Sec. 2. NEW SECTION. 8F.2 DEFINITIONS.
1 13 As used in this chapter, unless the context
1 14 otherwise requires:
1 15 1. "Agency" means a unit of state government,
1 16 which is an authority, board, commission, committee,
1 17 council, department, examining board, or independent
1 18 agency as defined in section 7E.4, including but not
1 19 limited to each principal central department
1 20 enumerated in section 7E.5. However, "agency" does
1 21 not mean the Iowa public employees' retirement system
1 22 created under chapter 97B, the public broadcasting
1 23 division of the department of education created under
1 24 section 256.81, the statewide fire and police
1 25 retirement system created under chapter 411, or an
1 26 agricultural commodity promotion board subject to a
1 27 producer referendum.
1 28 2. "Compensation" means payment of, or agreement
1 29 to pay, any money, thing of value, or financial
1 30 benefit conferred in return for labor or services
1 31 rendered by an officer, employee, or other person plus
1 32 the value of benefits including but not limited to
1 33 casualty, disability, life, or health insurance, other
1 34 health or wellness benefits, vacations, holidays, and
1 35 sick leave, severance payments, retirement benefits,
1 36 and deferred compensation.
1 37 3. "Intergovernmental entity" means any separate
1 38 organization established in accordance with chapter
1 39 28E or established by any other agreement between an
1 40 agency and any other governmental entity, whether
1 41 federal, state, or local, and any department,
1 42 division, unit or subdivision thereof.
1 43 "Intergovernmental entity" does not include an
1 44 organization established or agreement made in
1 45 accordance with chapter 28E between state agencies.
1 46 4. "Oversight agency" means an agency that
1 47 contracts with and disburses state or federal moneys
1 48 to a recipient entity.
1 49 5. "Private agency" means an individual or any
1 50 form of business organization, including a nonprofit
2 1 organization, authorized under the laws of this state
2 2 or any other state or under the laws of any foreign
2 3 jurisdiction.
2 4 6. "Recipient entity" means an intergovernmental
2 5 entity or a private agency that enters into a service
2 6 contract with an oversight agency to provide services
2 7 which will be paid for with local governmental, state,
2 8 or federal moneys.
2 9 7. "Service" or "services" means work performed
2 10 for an oversight agency or for its client.
2 11 8. a. "Service contract" means a contract for a
2 12 service or services when the predominant factor,
2 13 thrust, and purpose of the contract as reasonably
2 14 stated is for the provision of services. When there
2 15 is a contract for goods and services and the
2 16 predominant factor, thrust, and purpose of the
2 17 contract as reasonably stated is for the provision or
2 18 rendering of services with goods incidentally
2 19 involved, a service contract exists. "Service
2 20 contract" includes grants when the predominant factor,
2 21 thrust, and purpose of the contract formalizing the
2 22 grant is for the provision of services. For purposes
2 23 of this chapter, a service contract only exists when
2 24 an individual service contract or a series of service

2 25 contracts entered into between an oversight agency and
2 26 a recipient entity exceeds five hundred thousand
2 27 dollars or when the grant or contract together with
2 28 other grants or contracts awarded to the recipient
2 29 entity by the oversight agency during the oversight
2 30 agency's fiscal year exceeds five hundred thousand
2 31 dollars in the aggregate.

2 32 b. "Service contract" does not mean any of the
2 33 following:

2 34 (1) A contract that involves services related to
2 35 transportation or the construction, reconstruction,
2 36 improvement, repair, or maintenance of the
2 37 transportation system.

2 38 (2) A contract concerning the public safety peace
2 39 officers' retirement system created under chapter 97A,
2 40 the judicial retirement system governed by chapter
2 41 602, article 9, or the deferred compensation plan
2 42 established by the executive council pursuant to
2 43 section 509A.12.

2 44 (3) A contract for services provided for the
2 45 operation, construction, or maintenance of a public
2 46 utility, combined public utility, or a city enterprise
2 47 as defined by section 384.24.

2 48 (4) A contract for dual party relay service
2 49 required by section 477C.3 or for the equipment
2 50 distribution program established under the authority
3 1 of section 477C.4.

3 2 (5) A contract for services provided from
3 3 resources made available under Title XVIII, XIX, or
3 4 XXI of the federal Social Security Act.

3 5 (6) A contract for a court-appointed attorney.

3 6 (7) A contract with a federally insured financial
3 7 institution that is subject to mandatory periodic
3 8 examinations by a state or federal regulator.

3 9 (8) Any allocation of state or federal moneys by
3 10 the department of education to subrecipients on a
3 11 formula or noncompetitive basis.

3 12 (9) A contract for services provided by a person
3 13 subject to regulation under Title XIII of the Code.

3 14 (10) A contract for vendor services.

3 15 (11) A contract concerning an entity that has
3 16 contracted with the state and is licensed and
3 17 regulated by the insurance division of the department
3 18 of commerce.

3 19 (12) A contract with outside counsel or special
3 20 counsel executed by the executive council pursuant to
3 21 section 13.3 or 13.7.

3 22 (13) A contract that is subject to competitive
3 23 bidding for the construction, reconstruction,
3 24 improvement, or repair of a public building or public
3 25 improvement.

3 26 9. "Vendor services" means services or goods
3 27 provided by a vendor that are required for the conduct
3 28 of a state or federal program for an organization's
3 29 own use or for the use of beneficiaries of the state
3 30 or federal program and which are ancillary to the
3 31 operation of the state or federal program under a
3 32 service contract and not otherwise subject to
3 33 compliance requirements of the state or federal
3 34 program. For purposes of this subsection, "vendor"
3 35 means a dealer, distributor, merchant, or other seller
3 36 which provides goods and services within normal
3 37 business operations, provides similar goods or
3 38 services to many different purchasers, and operates in
3 39 a competitive environment.

3 40 Sec. 3. NEW SECTION. 8F.3 CONTRACTUAL
3 41 REQUIREMENTS.

3 42 1. As a condition of entering into a service
3 43 contract with an oversight agency, a recipient entity
3 44 shall certify that the recipient has the following
3 45 information available for inspection by the oversight
3 46 agency and the legislative services agency:

3 47 a. Information documenting the legal status of the
3 48 recipient entity, such as agreements establishing the
3 49 entity pursuant to chapter 28E or other
3 50 intergovernmental agreements, articles of
4 1 incorporation, bylaws, or any other information
4 2 related to the establishment or status of the entity.
4 3 In addition, the information shall indicate whether
4 4 the recipient entity is exempt from federal income
4 5 taxes under section 501(c), of the Internal Revenue

4 6 Code.
4 7 b. Information regarding the training and
4 8 education received by the members of the governing
4 9 body of the recipient entity relating to the duties
4 10 and legal responsibilities of the governing body.
4 11 c. Information regarding the procedures used by
4 12 the governing body of the recipient entity to do all
4 13 of the following:
4 14 (1) Review the performance of management employees
4 15 and establish the compensation of those employees.
4 16 (2) Review the recipient entity's internal
4 17 controls relating to accounting processes and
4 18 procedures.
4 19 (3) Review the recipient entity's compliance with
4 20 the laws, rules, regulations, and contractual
4 21 agreements applicable to its operations.
4 22 (4) Information regarding adopted ethical and
4 23 professional standards of operation for the governing
4 24 body and employees of the recipient entity and
4 25 information concerning the implementation of these
4 26 standards and the training of employees and members of
4 27 the governing body on the standards. The standards
4 28 shall include but not be limited to a nepotism policy
4 29 which shall provide, at a minimum, for disclosure of
4 30 familial relationships among employees and between
4 31 employees and members of the governing body, policies
4 32 regarding conflicts of interest, standards of
4 33 responsibility and obedience to law, fairness, and
4 34 honesty.
4 35 d. Information regarding any policies adopted by
4 36 the governing body of the recipient entity that
4 37 prohibit taking adverse employment action against
4 38 employees of the recipient entity who disclose
4 39 information about a service contract to the oversight
4 40 agency, the auditor of state, or the office of
4 41 citizens' aide and that state whether those policies
4 42 are substantially similar to the protection provided
4 43 to state employees under section 70A.28. The
4 44 information provided shall state whether employees of
4 45 the recipient entity are informed on a regular basis
4 46 of their rights to disclose information to the
4 47 oversight agency, the office of citizens' aide, the
4 48 auditor of state, or the office of the attorney
4 49 general and the telephone numbers of those
4 50 organizations.

5 1 2. The certification required by this section
5 2 shall be signed by an officer and director of the
5 3 recipient entity, two directors of the recipient
5 4 entity, or the sole proprietor of the recipient
5 5 entity, whichever is applicable, and shall state that
5 6 the recipient entity is in full compliance with all
5 7 laws, rules, regulations, and contractual agreements
5 8 applicable to the recipient entity and the
5 9 requirements of this chapter.

5 10 3. Prior to entering into a service contract with
5 11 a recipient entity, the oversight agency shall
5 12 determine whether the recipient entity can reasonably
5 13 be expected to comply with the requirements of the
5 14 service contract. If the oversight entity is unable
5 15 to determine whether the recipient entity can
5 16 reasonably be expected to comply with the requirements
5 17 of the service contract, the oversight entity shall
5 18 request such information from the recipient entity as
5 19 described in subsection 1 to make a determination. If
5 20 the oversight agency determines from the information
5 21 provided that the recipient entity cannot reasonably
5 22 be expected to comply with the requirements of the
5 23 service contract, the oversight agency shall not enter
5 24 into the service contract.

5 25 Sec. 4. NEW SECTION. 8F.4 REPORTING
5 26 REQUIREMENTS.

5 27 1. a. As a condition of continuing to receive
5 28 state or federal moneys through an oversight agency
5 29 for a service contract, a recipient entity shall file
5 30 an annual report with the oversight agency and with
5 31 the legislative services agency within ten months
5 32 following the end of the recipient entity's fiscal
5 33 year.

5 34 b. However, the annual report shall not be
5 35 required to be filed under any of the following
5 36 circumstances:

5 37 (1) The recipient entity reports information
5 38 otherwise required to be included in an annual report
5 39 described in subsection 2 to the oversight agency
5 40 pursuant to federal or state statutes or rules. The
5 41 information otherwise required to be reported to the
5 42 oversight agency shall be filed with the legislative
5 43 services agency.

5 44 (2) The recipient entity is recognized by the
5 45 Internal Revenue Code as a nonprofit organization or
5 46 entity and provides a copy of the internal revenue
5 47 service form 990 for all fiscal years in which service
5 48 contract revenues are reported.

5 49 2. The annual report required to be filed pursuant
5 50 to this section shall contain the following:

6 1 a. Financial information relative to the
6 2 expenditure of state and federal moneys for the prior
6 3 year pursuant to the service contract. The financial
6 4 information shall include but is not limited to budget
6 5 and actual revenue and expenditure information for the
6 6 year covered.

6 7 b. Financial information relating to service
6 8 contracts with the oversight agency during the
6 9 preceding year, including the costs by category to
6 10 provide the contracted services.

6 11 c. Reportable conditions in internal control or
6 12 material noncompliance with provisions of laws, rules,
6 13 regulations, or contractual agreements included in
6 14 external audit reports of the recipient entity
6 15 covering the preceding year.

6 16 d. Corrective action taken or planned by the
6 17 recipient entity in response to reportable conditions
6 18 in internal control or material noncompliance with
6 19 laws, rules, regulations, or contractual agreements
6 20 included in external audit reports covering the
6 21 preceding year.

6 22 e. Any changes in the information submitted in
6 23 accordance with section 8F.3.

6 24 f. A certification signed by an officer and
6 25 director of the recipient entity, two directors of the
6 26 recipient entity, or the sole proprietor of the
6 27 recipient entity, whichever is applicable, stating the
6 28 annual report is accurate and the recipient entity is
6 29 in full compliance with all laws, rules, regulations,
6 30 and contractual agreements applicable to the recipient
6 31 entity and the requirements of this chapter.

6 32 3. A recipient entity shall be required to submit
6 33 such information as requested by the oversight agency
6 34 or the legislative services agency relating to the
6 35 entity's expenditure of state and federal moneys.

6 36 Sec. 5. NEW SECTION. 8F.5 ENFORCEMENT.

6 37 Any service contract awarded to a recipient entity
6 38 shall provide that the oversight agency may terminate
6 39 the service contract if the recipient entity, during
6 40 the duration of the contract, fails to comply with the
6 41 requirements of this chapter. In addition, the
6 42 service contract shall provide a mechanism for the
6 43 forfeiture and recovery of state or federal funds
6 44 expended by a recipient entity in violation of the
6 45 laws applicable to the expenditure of the money or the
6 46 requirements of the service contract and this chapter.

6 47 Sec. 6. Section 8E.208, Code 2005, is amended by
6 48 adding the following new unnumbered paragraph:

6 49 NEW UNNUMBERED PARAGRAPH. Performance measurement
6 50 is essential to ensuring adequate accountability over
7 1 public resources and the exchange of public resources
7 2 for desirable and acceptable public benefits.
7 3 Performance measurement must include an assessment of
7 4 whether agencies have adequate control procedures in
7 5 place, and whether those control procedures are
7 6 operating effectively, to determine that agencies are
7 7 receiving or providing services of adequate quality,
7 8 public resources are being used effectively and
7 9 efficiently, and public resources are being used for
7 10 appropriate and meaningful activities.

7 11 Sec. 7. Section 28E.6, Code 2005, is amended to
7 12 read as follows:

7 13 28E.6 ADDITIONAL PROVISIONS.

7 14 1. If the agreement does not establish a separate
7 15 legal entity to conduct the joint or co-operative
7 16 undertaking, the agreement shall also include:

7 17 ~~1.~~ a. Provision for an administrator or a joint

7 18 board responsible for administering the joint or
7 19 co-operative undertaking. In the case of a joint
7 20 board, public agencies party to the agreement shall be
7 21 represented.

7 22 ~~2. b.~~ The manner of acquiring, holding and
7 23 disposing of real and personal property used in the
7 24 joint or co-operative undertaking.

7 25 2. The entity created or the administrator or
7 26 joint board specified in the agreement shall be a
7 27 governmental body for purposes of chapter 21 and a
7 28 government body for purposes of chapter 22 unless the
7 29 entity created or agreement includes public agencies
7 30 from more than one state.

7 31 3. All proceedings of each regular, adjourned, or
7 32 special meeting of the entity created or the
7 33 administrator or joint board specified in the
7 34 agreement, including the schedule of bills allowed,
7 35 shall be published after adjournment of the meeting in
7 36 a newspaper of general circulation within the
7 37 geographic area served by the entity created or the
7 38 administrator or joint board specified in the
7 39 agreement. The entity created or the administrator or
7 40 joint board specified in the agreement shall furnish a
7 41 copy of the proceedings to be published to the
7 42 newspaper within one week following adjournment of the
7 43 meeting. The publication of the schedule of bills
7 44 allowed shall include a list of all salaries paid for
7 45 services performed, showing the name of the person or
7 46 firm performing the service and the amount paid.
7 47 However, the names and gross salaries of persons
7 48 regularly employed by the entity created or the
7 49 administrator or joint board specified in the
7 50 agreement shall only be published annually. This
8 1 subsection shall not apply if the entity or the
8 2 administrator or joint board specified in the
8 3 agreement includes public agencies from more than one
8 4 state.

8 5 Sec. 8. ELECTRONIC SUBMISSION OF CONTRACTS ==
8 6 REPORT. The department of administrative services
8 7 shall submit a report concerning steps necessary to
8 8 provide for the electronic submission and retention of
8 9 contracts by the department. The department shall
8 10 submit the report, with its findings and
8 11 recommendations, to the general assembly by December
8 12 1, 2006. The report shall identify any costs
8 13 associated with implementing the recommendations of
8 14 the report.

8 15 Sec. 9. IMPLEMENTATION PROVISION.
8 16 1. This division of this Act applies to service
8 17 contracts entered into or renewed by an oversight
8 18 agency, as those terms are defined in section 8F.2 as
8 19 created in this division of this Act, on or after
8 20 October 1, 2006.

8 21 2. The section of this division of this Act
8 22 amending Code section 28E.6 is applicable on or after
8 23 July 1, 2006.

8 24 DIVISION II
8 25 AUDITOR OF STATE DUTIES

8 26 Sec. 10. Section 11.36, Code 2005, is amended by
8 27 striking the section and inserting in lieu thereof the
8 28 following:

8 29 11.36 REVIEW OF ENTITIES RECEIVING PUBLIC MONEYS.

8 30 1. The auditor of state may, at the request of a
8 31 department, review, during normal business hours upon
8 32 reasonable notice of at least twenty-four hours, the
8 33 audit working papers prepared by a certified public
8 34 accountant covering the receipt and expenditure of
8 35 state or federal funds provided by the department to
8 36 any other entity to determine if the receipt and
8 37 expenditure of those funds by the entity is consistent
8 38 with the laws, rules, regulations, and contractual
8 39 agreements governing those funds. Upon completion of
8 40 the review, the auditor of state shall report whether,
8 41 in the auditor of state's judgment, the auditor of
8 42 state believes the certified public accountant's
8 43 working papers adequately demonstrate that the laws,
8 44 rules, regulations, and contractual agreements
8 45 governing the funds have been substantially complied
8 46 with. If the auditor of state does not believe the
8 47 certified public accountant's working papers
8 48 adequately demonstrate that the laws, rules,

8 49 regulations, and contractual agreements have been
8 50 substantially complied with or believes a complete or
9 1 partial reaudit is necessary based on the provisions
9 2 of section 11.6, subsection 4, paragraph "a", or "b",
9 3 the auditor of state shall notify the certified public
9 4 accountant and the department of the actions the
9 5 auditor of state believes are necessary to determine
9 6 that the entity is in substantial compliance with
9 7 those laws, rules, regulations, and contractual
9 8 agreements. The auditor of state may assist
9 9 departments with actions to determine that the entity
9 10 is in substantial compliance. Departments shall
9 11 reimburse the auditor of state for the cost of the
9 12 review and any subsequent assistance provided by the
9 13 auditor of state.

9 14 2. The auditor of state may, at the request of a
9 15 department, review the records covering the receipt
9 16 and expenditure of state or federal funds provided by
9 17 the department to any other entity which has not been
9 18 audited by a certified public accountant to determine
9 19 if the receipt and expenditure of those funds by the
9 20 entity is consistent with the laws, rules,
9 21 regulations, and contractual agreements governing
9 22 those funds. Upon completion of the review, the
9 23 auditor of state shall report whether, in the auditor
9 24 of state's judgment, the auditor of state believes the
9 25 entity adequately demonstrated that the laws, rules,
9 26 regulations, and contractual agreements governing the
9 27 funds have been substantially complied with. If the
9 28 auditor of state does not believe the entity
9 29 adequately demonstrated that the laws, rules,
9 30 regulations, and contractual agreements have been
9 31 substantially complied with, the auditor of state
9 32 shall notify the department of the actions the auditor
9 33 of state believes are necessary to determine that the
9 34 entity is in substantial compliance with those laws,
9 35 rules, regulations, and contractual agreements. The
9 36 auditor of state may assist a department with actions
9 37 to determine that the entity is in substantial
9 38 compliance. Departments shall reimburse the auditor
9 39 of state for the cost of the review and any subsequent
9 40 assistance provided by the auditor of state.

9 41 3. When, in the auditor of state's judgment, the
9 42 auditor of state finds that sufficient information is
9 43 available to demonstrate that an entity receiving
9 44 state or federal funds from a department may not have
9 45 substantially complied with the laws, rules,
9 46 regulations, and contractual agreements governing
9 47 those funds, the auditor of state shall notify the
9 48 department providing those funds to the entity of the
9 49 auditor of state's finding. The department shall
9 50 cooperate with the auditor of state to establish
10 1 actions to be taken to determine whether substantial
10 2 compliance with those laws, rules, regulations, and
10 3 contractual agreements has been achieved by the entity
10 4 receiving the state or federal funds from the
10 5 department. Departments shall reimburse the auditor
10 6 of state for any actions taken by the auditor of state
10 7 to determine whether the entity has substantially
10 8 complied with the laws, rules, regulations, and
10 9 contractual agreements governing the funds provided by
10 10 the department for costs expended after the date the
10 11 auditor of state notifies the department of an issue
10 12 involving substantial compliance pursuant to the
10 13 requirements of this subsection.

10 14 Sec. 11. NEW SECTION. 11.37 ACCESS TO
10 15 CONFIDENTIAL INFORMATION.

10 16 1. The auditor of state, when conducting any audit
10 17 or review required or permitted by this chapter, shall
10 18 at all times have access to all information, records,
10 19 instrumentalities, and properties used in the
10 20 performance of the audited or reviewed entities'
10 21 statutory duties or contractual responsibilities. All
10 22 audited or reviewed entities shall cooperate with the
10 23 auditor of state in the performance of the audit or
10 24 review and make available the information, records,
10 25 instrumentalities, and properties upon the request of
10 26 the auditor of state.

10 27 2. If the information, records, instrumentalities,
10 28 and properties sought by the auditor of state are
10 29 required by law to be kept confidential, the auditor

10 30 of state shall have access to the information,
10 31 records, instrumentalities, and properties, but shall
10 32 maintain the confidentiality of all such information
10 33 and is subject to the same penalties as the lawful
10 34 custodian of the information for dissemination of the
10 35 information. However, the auditor of state shall not
10 36 have access to the income tax returns of individuals.

10 37 DIVISION III

10 38 CITIZENS' AIDE DUTIES ==

10 39 DISCLOSURES OF INFORMATION

10 40 Sec. 12. Section 2C.9, subsection 1, Code 2005, is
10 41 amended to read as follows:

10 42 1. Investigate, on complaint or on the citizens'
10 43 aide's own motion, any administrative action of any
10 44 agency, without regard to the finality of the
10 45 administrative action, except that the citizens' aide
10 46 shall not investigate the complaint of an employee of
10 47 an agency in regard to that employee's employment
10 48 relationship with the agency except as otherwise
10 49 provided by this chapter. A communication or receipt

10 50 of information made pursuant to the powers prescribed
11 1 in this chapter shall not be considered an ex parte
11 2 communication as described in the provisions of
11 3 section 17A.17.

11 4 Sec. 13. NEW SECTION. 2C.11A SUBJECTS FOR
11 5 INVESTIGATIONS == DISCLOSURES OF INFORMATION.

11 6 The office of citizens' aide shall investigate a
11 7 complaint filed by an employee who is not a merit
11 8 system employee or an employee covered by a collective
11 9 bargaining agreement and who alleges that adverse
11 10 employment action has been taken against the employee
11 11 in violation of section 70A.28, subsection 2. A
11 12 complaint filed pursuant to this section shall be made
11 13 within thirty calendar days following the effective
11 14 date of the adverse employment action. The citizens'
11 15 aide shall investigate the matter and shall issue
11 16 findings relative to the complaint in an expeditious
11 17 manner.

11 18 Sec. 14. Section 70A.28, subsection 2, Code 2005,
11 19 is amended to read as follows:

11 20 2. A person shall not discharge an employee from
11 21 or take or fail to take action regarding an employee's
11 22 appointment or proposed appointment to, promotion or
11 23 proposed promotion to, or any advantage in, a position
11 24 in a state employment system administered by, or
11 25 subject to approval of, a state agency as a reprisal
11 26 for a failure by that employee to inform the person
11 27 that the employee made a disclosure of information
11 28 permitted by this section, or for a disclosure of any
11 29 information by that employee to a member or employee
11 30 of the general assembly, a disclosure of information
11 31 to the office of citizens' aide, or a disclosure of

11 32 information to any other public official or law
11 33 enforcement agency if the employee reasonably believes
11 34 the information evidences a violation of law or rule,
11 35 mismanagement, a gross abuse of funds, an abuse of
11 36 authority, or a substantial and specific danger to
11 37 public health or safety. However, an employee may be
11 38 required to inform the person that the employee made a
11 39 disclosure of information permitted by this section if
11 40 the employee represented that the disclosure was the
11 41 official position of the employee's immediate
11 42 supervisor or employer.

11 43 Sec. 15. Section 70A.28, Code 2005, is amended by
11 44 adding the following new subsection:

11 45 NEW SUBSECTION. 5A. Subsection 2 may also be
11 46 enforced by an employee through an administrative
11 47 action pursuant to the requirements of this subsection
11 48 if the employee is not a merit system employee or an
11 49 employee covered by a collective bargaining agreement.
11 50 An employee eligible to pursue an administrative
12 1 action pursuant to this subsection who is discharged,
12 2 suspended, demoted, or otherwise reduced in pay and
12 3 who believes the adverse employment action was taken
12 4 as a result of the employee's disclosure of
12 5 information that was authorized pursuant to subsection
12 6 2, may file an appeal of the adverse employment action
12 7 with the public employment relations board within
12 8 thirty calendar days following the later of the
12 9 effective date of the action or the date a finding is
12 10 issued to the employee by the office of the citizens'

12 11 aide pursuant to section 2C.11A. The findings issued
12 12 by the citizens' aide may be introduced as evidence
12 13 before the public employment relations board. The
12 14 employee has the right to a hearing closed to the
12 15 public, but may request a public hearing. The hearing
12 16 shall otherwise be conducted in accordance with the
12 17 rules of the public employment relations board and the
12 18 Iowa administrative procedure Act, chapter 17A. If
12 19 the public employment relations board finds that the
12 20 action taken by the person appointing the employee was
12 21 in violation of subsection 2, the employee may be
12 22 reinstated without loss of pay or benefits for the
12 23 elapsed period, or the public employment relations
12 24 board may provide other appropriate remedies.
12 25 Decisions by the public employment relations board
12 26 constitute final agency action.

12 27 DIVISION IV

12 28 LEGISLATIVE OVERSIGHT

12 29 Sec. 16. Section 2.45, subsection 5, Code 2005, is
12 30 amended by adding the following new paragraph:

12 31 NEW PARAGRAPH. c. The committee shall implement a
12 32 systematic process of reviewing the reports required
12 33 to be filed with the legislative services agency
12 34 pursuant to section 8F.4.>

12 35 #2. Title page, by striking lines 1 through 9 and
12 36 inserting the following: <An Act relating to
12 37 government accountability and concerning service
12 38 contract requirements, contractual requirements for
12 39 certain entities receiving public moneys, requirements
12 40 for joint agreements involving governmental entities,
12 41 additional review by the auditor of state, the
12 42 authority of the citizens' aide, employment rights of
12 43 employees making a disclosure of information, and the
12 44 authority of the legislative oversight committee, and
12 45 including an implementation provision and making
12 46 penalties applicable.>

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